

1 HOUSE BILL NO. 112

2 INTRODUCED BY J. PATTISON

3 BY REQUEST OF THE DEPARTMENT OF TRANSPORTATION

4

5 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING VEHICLES TO PASS SCHOOL BUSES THAT ARE
6 STOPPED TO RECEIVE OR DISCHARGE SCHOOL CHILDREN IN DESIGNATED SCHOOL BUS TURNOUTS;
7 SPECIFYING THE REQUIREMENTS NECESSARY TO DESIGNATE A SCHOOL BUS TURNOUT; AND
8 AMENDING SECTIONS 61-8-301, 61-8-351, AND 61-8-715, MCA."

9

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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12 **Section 1.** Section 61-8-301, MCA, is amended to read:13 **"61-8-301. Reckless driving.** (1) A person commits the offense of reckless driving if the person:

14 (a) operates a vehicle in willful or wanton disregard for the safety of persons or property;

15 (b) operates a vehicle in willful or wanton disregard for the safety of persons or property while fleeing
16 or attempting to flee from or elude a peace officer who is lawfully in pursuit and whose vehicle is at the time in
17 compliance with the requirements of 61-9-402; or

18 (c) operates a vehicle in willful or wanton disregard for the safety of persons or property while passing,
19 in either direction, a school bus that has stopped and is displaying the visual flashing red signal, as provided in
20 61-8-351 and 61-9-402. This subsection (1)(c) does not apply to situations described in 61-8-351~~(5)~~(6).

21 (2) Each municipality in this state may enact and enforce 61-8-715 and subsection (1) of this section
22 as an ordinance.

23 (3) A person who is convicted of the offense of reckless driving is subject to the penalties provided in
24 61-8-715."

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26 **Section 2.** Section 61-8-351, MCA, is amended to read:

27 **"61-8-351. Meeting or passing school bus -- penalty.** (1) The driver of a vehicle upon a highway or
28 street either inside or outside the corporate limits of any city or town upon meeting or overtaking from either
29 direction any school bus that has stopped on the highway or street to receive or discharge any school children:

30 (a) shall stop the vehicle not less than 10 feet before reaching the school bus when there is in operation

1 on the bus a visual flashing red signal as specified in 61-9-402; and

2 (b) may not proceed until the children have entered the school bus or have alighted and reached the
3 side of the highway or street and until the school bus ceases operation of its visual flashing red signal.

4 (2) The driver of a vehicle shall slow to a rate of speed that is reasonable under the conditions existing
5 at the point of operation and must be prepared to stop when meeting or overtaking from either direction any
6 school bus that is preparing to stop on the highway or street to receive or discharge school children as indicated
7 by flashing amber lights as specified in 61-9-402.

8 (3) Each bus used for the transportation of school children must bear upon the front and rear plainly
9 visible signs containing the words "SCHOOL BUS" in letters not less than 8 inches in height and, in addition,
10 must be equipped with visual signals meeting the requirements of 61-9-402. Amber flashing lights must be
11 actuated by the driver approximately 150 feet in cities and approximately 500 feet in other areas before the bus
12 is stopped to receive or discharge school children on the highway or street. Red lights must be actuated by the
13 driver of the school bus whenever but only whenever the vehicle is stopped on the highway or street whether
14 inside or outside the corporate limits of any city or town to receive or discharge school children. However, a
15 school district board of trustees may, in its discretion, adopt a policy prohibiting the operation of amber or red
16 lights when a bus is stopped at the school site to receive or discharge school children and the receipt or
17 discharge does not involve street crossing by the children. The lights may not be operated in violation of that
18 policy.

19 (4) The requirements that a driver of a motor vehicle shall stop when a school bus receives or
20 discharges school children under subsection (1) and the requirements that amber and red lights must be
21 actuated by a school bus driver under subsection (3) do not apply when a school bus receives or discharges
22 school children in a designated school bus pullout on a state highway. A designated school bus pullout must
23 meet the following requirements:

24 (a) The pullout must be located on a roadway separated by a physical barrier, such as a guardrail,
25 raised median, drainage ditch, or irrigation ditch.

26 (b) The separate roadway must be designed, constructed, and signed specifically for use by school
27 buses, with sufficient space for safe ingress and egress from the main traveled way.

28 (c) The pullout must be approved by the local affected school district, by a resolution of the district
29 trustees, and by the district superintendent as a mandatory school bus stop for receiving and discharging school
30 children.

1 ~~(4)~~(5) When a school bus is being operated upon a highway for purposes other than the actual
2 transportation of children either to or from school or for school functions, all markings on the bus indicating
3 "SCHOOL BUS" must be covered or concealed.

4 ~~(5)~~(6) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or
5 passing a school bus that is on a different roadway or when upon a controlled-access highway and the school
6 bus is stopped in a loading zone that is a part of or adjacent to the highway and where pedestrians are not
7 permitted to cross the roadway.

8 ~~(6)~~(7) Whenever a vehicle is established to have been in violation of subsection (1), the person in
9 whose name the vehicle is registered is prima facie the driver of the vehicle at the time of the alleged violation.

10 ~~(7)~~(8) Violation of subsection (1) is punishable upon conviction by a fine of not more than \$500."
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12 **Section 3.** Section 61-8-715, MCA, is amended to read:

13 **"61-8-715. Reckless driving -- reckless endangerment of highway workers -- penalty.** (1) Except
14 as provided in subsection (3), a person convicted of reckless driving under 61-8-301(1)(a) or (1)(c) or convicted
15 of reckless endangerment of highway workers under 61-8-315 shall be punished upon a first conviction by
16 imprisonment for a term of not more than 90 days, by a fine of not less than \$25 or more than \$300, or both. On
17 a second or subsequent conviction, the person shall be punished by imprisonment for a term of not less than
18 10 days or more than 6 months, by a fine of not less than \$50 or more than \$500, or both.

19 (2) Except as provided in subsection (3), a person convicted of reckless driving under 61-8-301(1)(b)
20 shall be punished by imprisonment in the county or city jail for a term of not less than 10 days or more than 6
21 months to which may be added, at the discretion of the court, a fine of not less than \$300 or more than \$500.
22 On a second or subsequent conviction, the person shall be punished by imprisonment for a term of not less than
23 30 days or more than 1 year to which may be added, at the discretion of the court, a fine of not less than \$500
24 or more than \$1,000.

25 (3) A person who is convicted of reckless driving under 61-8-301 and whose offense results in the death
26 or serious bodily injury of another person shall be punished by a fine in an amount not exceeding \$10,000, by
27 incarceration for a term not to exceed 1 year, or both. Section 61-8-351~~(6)~~(7) does not apply to a prosecution
28 under 61-8-301(1)(c) that is punishable under this subsection."
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